

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
	:	
Adoption of 83 Ill. Adm. Code 412	:	09-0592
and amendment of 83 Ill. Adm. Code	:	
453	:	

ORDER

By the Commission:

In its final Order in ICC Docket Nos. 08-0619/0620/0621(cons.) (August 19, 2009), the Commission concluded that "consumer education and protection are both very important in any program implementing customer choice, particularly for smaller customers." Order, at 47. The Commission ordered Commission Staff to submit a staff report, draft first notice rules, and draft First Notice Order for the Commission's consideration no later than December 31, 2009. The subject of the rulemaking was to be consumer protections for customers of alternative retail electric suppliers and customers of electric utilities serving customers outside their certificated service territory.

In a Staff Report dated November 18, 2009, the Staff of the Office of Retail Market Development has presented a synopsis of draft rules, designated as 83 Ill. Adm. Code 412, "Obligations of Retail Electric Suppliers," for consideration by the Commission. The Staff Report also recommends the amendment of 83 Ill. Adm. Code 453, "Internet Enrollment Rules," to repeal material that will be rendered moot by Part 412. The Staff Report recounts that interested parties took part in workshops and provided comments on the draft rules. The Staff Report also provides rationale for the rules.

The Commission is satisfied that there is sufficient support in the Staff Report to warrant the initiation of a rulemaking proceeding and to submit the first notice of proposed rulemaking to the Secretary of State.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the subject matter herein;
- (2) the Staff Report, dated November 18, 2009, should be filed in this docket and made a part of the record of this proceeding;

- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) this proceeding is a rulemaking and should be conducted as such;
- (5) the proposed rules at 83, Ill. Adm. Code 412, as reflected in the attached Appendix A, should be submitted to the Secretary of State to begin the first notice period;
- (6) the proposed amendment of 83 Ill. Adm. Code 453, as reflected in the attached Appendix B, should be submitted to the Secretary of State to begin the first notice period.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the proposed rules at 83 Ill. Adm. Code 412, as reflected in the attached Appendix A, be submitted to the Secretary of State pursuant to Section 5-40 of the Illinois Administrative Procedure Act.

IT IS FURTHER ORDERED that the proposed amendment to 83 Ill. Adm. Code 453, as reflected in the attached Appendix B, be submitted to the Secretary of State pursuant to Section 5-40 of the Illinois Administrative Procedure Act.

IT IS FURTHER ORDERED that the Staff Report dated November 18, 2009 shall be made a part of the record of this proceeding.

IT IS FURTHER ORDERED that a copy of this Order be sent to all electric utilities and alternative retail electric suppliers under the jurisdiction of the Commission.

IT IS FURTHER ORDERED that this proceeding is a rulemaking and shall be conducted as such and not as a contested case.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By order of the Commission this 2nd day of December, 2009.

(SIGNED) CHARLES E. BOX

Chairman